

engagements of the Government with the Indians shall be faithfully and rigidly observed, when the whole scope and object of the bill is in direct and open violation of those engagements. To show what were the leading principles and guarantees under which all the emigrant tribes in the country west of Missouri and Arkansas were induced to exchange their lands east of the Mississippi for others west, I will read a clause from the treaty made with the Cherokees in 1835. The third article of that treaty contains this clause:

This exhibits the true character of the policy and principles adopted by the Government in setting apart the country west of Missouri and Arkansas as a permanent and exclusive Indian habitation. To show that there was no distinction in the principles or policy of the Government in allotting portions of the country west of Missouri to the various Indian tribes, I propose to read from a treaty made with the Senecas and Shawnees of Ohio, made at Lewiston in 1831, and now resident in the territory west of Missouri, a clause similar to the one I have just read from the treaty with the Cherokees. The tenth article of this treaty contains the following:

And the United States guarantee that said lands shall never be the title of any State or Territory, nor subject to the laws thereof."

A similar guarantee is to be found in the treaty made with the Shawnees of Wapaghkonetta in Ohio in the same year, and in two or three other treaties made at different dates with tribes which emigrated to the territory west of Missouri.

MR. REBASTIAN. I beg to interrupt the Senator a moment. I understand him to be speaking of the Shawnee Indians, and I think it is proper to say that the tribe named never shall be included within the boundaries of any State or Territory. That class is a small one. The Cherokee Indians, on the other hand, are a large tribe, and the whites who are attached to them are not embraced in the bill. The Shawnees of Wapagkonetta have lost the benefit of a similar stipulation by incorporation with the Missouri Indians, by the action of the Senate in acting on the bill. The other tribe stipulated by the same act Congress, a year ago, allowed them a compensation of \$60,000, or \$70,000 for the lands they were to have had under the treaty with them. The other Shawnees are not within the limits of the proposed Territory, and are not within the limits of the proposed Indian Territory, and are owing thirty-four thousand acres of land, still remain, and are protected by the stipulation in their treaty similar to that of the Cherokees. This obstacle, such as it is, still stands.

THE HONORABLE SENATOR says that the stipulation

rantie in the last treaty I referred to, made with the Shawnees of Wapakongetta, was abrogated. How? They were induced to give up their lands east and sell them upon certain terms, and with the same assurance upon which other Indians gave up their lands east, namely, that they should have a permanent home in the country to which they agreed to remove, and that their new home should never be included within the boundary of any State. They were told they should have an allotment of land out of the lands ceded to the Shawnees of Missouri in 1825, or, if they were not satisfied with that arrangement, they were to have other lands, in the same country, west of the Missouri; but they agreed with their kinsmen to live in common with them on their lands, and set up a claim upon the Government for the value of the lands they were promised in the treaty, and their claim was allowed. How does that deprive them of the privilege of going to any other country? It should never be surrounded with a white population, relying upon which they ceded their lands in Ohio? By no technical, by no ingenious interpretations can the Government avoid the obligation entered into with them.

But my friend reminds me that the Cherokees do not reside in the territory embraced in this bill. I did not pretend to say that they do. I read a clause from the policy of the Indian removal was adopted by the Government in 1830; and I read clauses from the treaties made with the Shawnee of Wapaghkonetts, in Ohio, and one made in the same year with the Senecas and Shawnees of the same State; and I referred to those treaties as the basis of the policy of the Government as to the terms and conditions upon which the Indians were removed between the country west of Arkansas and that west of Missouri. Any treaty made with a tribe which took an allotment of land west of Missouri, with a similar guarantee against the establishment of a State, would be a treaty with the lands of that country, styled by the Senate, and the destination of that country. It was to be Indian territory and no other as long as a single tribe existed which emigrated to it under that guarantee. That was its destination, as understood by the Senate and the Executive, and it was the policy of the Government. The Senecas, Wapaghkonetta, with the Senecas and Shawnees of Lewistown, and the Ottawas and the two other tribes which emigrated to the territory west of the Missouri; and whether one of those treaties has been abrogated or not, or whether one or more of the tribes resided upon the same lands, or whether they emigrated within the boundaries specified in this bill or not, is not material; they emigrated to the territory west of Missouri, and now reside there.

My argument is, that all the emigrant tribes which removed after 1830 were induced to remove under the same conditions and for the same reasons as the tribes that were treated with them or not; and that it would be the fraud upon the Indians to give a different interpretation to the obligations of the Government. The nature and extent of the obligations contracted with the Indian tribes, which emigrated after 1830, and of the removal adopted in conformity with the policy of Indian removal adopted in 1830, and the proper interpretation and construction of those obligations, will be best explained by referring to what was said upon the subject by a man who was the chief and most responsible actor in the removal of the Indians, and who was the author of that policy. In the message of the President of the United States [General Jackson] to Congress in 1835 we find the following passages connected with this subject:

"The plan if removing the aboriginal people who yet remain within the settled portion of the United States to the country west of the Mississippi river approaches its consummation.

"All preceding experiments for the improvement of the Indians have failed. It seems now to be an established fact that they cannot live in contact with a civilized community and prosper.

"A country west of Missouri and Arkansas has been assigned to them, into which the white settlements are not to be permitted. The policy of the United States is to form a new western region, except those which are established by the Indians themselves, or by the United States for them and with their concurrence. A barrier has been raised for their protection against the encroachments of other citizens, and guarding them, as far as possible, from those evils which have brought them to their present condition."

MR. PRESIDENT, I must be allowed 150 feet more than a common sensibility to any violation of the obligations of the Government contracted with the Indian tribes. When this whole subject of Indian rights and Indian wrongs was brought to the notice of the country and thoroughly discussed—our relations with them claiming to be the guardian of these children of the forest, and they looking up to the President as their Great Father—I was chairman of the Committee on Indian Affairs in the House of Representatives, and had to bear my full share of responsibility in sustaining the policy of Indian removal against the attacks of its opponents.

I have always differed from my friend from Texas (Mr. Houston) and others, who have maintained that the Indian race is inferior to the white race, and the improvement of their condition and civilization is impossible. I believe that their misfortunes are to be attributed to the encroachments of the white man upon their lands. I have never been so hopeful of the results of the experiments which are making to civilize and elevate their condition. I have always held the opinion that all the Government can do for them, under any plan which may be adopted to wean them from their ancient habits, and to induce them to cultivate the arts of agriculture, will be to hasten their ruin, and to shorten the period of their final extinction; and that, in the mean time, idleness, despondency, and indolence will be their characteristic traits. I believe that the highest development of Indian character is only to be found in their normal or primitive condition, and that their proud spirit has been bowed by conquest.

But, sir, the question is not now whether we can elevate and improve the condition of the Indian tribes by encouraging them to adopt the arts and habits of civilized life. It is, shall we keep our faith with them? We can at least do that. We can, if we are disposed, maintain them in the possession of a country to which they were induced to emigrate by the most solemn assurances of the Government of the United States that it should be to them and their children an inheritance forever.

Well do I remember, Mr. President, the discussion upon this subject more than twenty years ago, alluded to by the learned and eloquent Senator from Massachusetts,

(Mr. EVERETT, and well do I remember also the doubts expressed by the more temperate of the opponents of the policy of Indian removal as to its results; and the taunts and jeers of the more violent who denounced it as an expedient invented to extricate the Administration from the difficulties and embarrassments brought upon it by the insatiate craving of the white man; and who insisted that the Indians would never realize the hope of that new land of promise held out to him as an inducement to emigrate; that the Indians would find no home, no resting place, never. I thought they were mistaken.

Before I leave this point of the subject, Mr. President, I must express the surprise with which I have been